IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22789 of 2006

DATED: 10.11.2006

Between:

R.Bangarayya petitioner

And

The Chairman & Managing Director
APSPDCL, Renigunta Raod,
Tirupati, Chittor district & another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 22789 OF 2006

ORAL ORDER:

The present writ petition is filed questioning the proceedings of the third respondent dated 4.9.2006 appointing an Enquiry Officer and for a consequential direction to the respondents to reinstate the petitioner into the service.

The petitioner who is employed in the respondent company as Lower Division Clerk was suspended vide proceedings dated 24.12.2001 alleging that he has committed theft of six electricity cement poles. The petitioner contends that the competent authority is third respondent and the fourth respondent without any power or jurisdiction passed the suspension order and the same is illegal. The petitioner alleges that vide orders dated 2.5.2001 an enquiry officer was appointed and the said enquiry officer without following the procedure and without examining the witnesses, conducted the enquiry in the year 2005 and based on said enquiry, final orders dated 18.10.2005 were passed imposing the minor punishment of stoppage of two increments without cumulative effect. Against the said order, the petitioner preferred an appeal and the same was rejected. The criminal proceedings initiated against the petitioner in C.C No. 123 of 2002 on the file of the Additional Munsif Magistrate, Sattenapalli ended in acquittal vide judgment dated 14.6.2006. After pronouncement of

the judgment dated 14.6.2006, the petitioner submitted a representation dated 12.8.2006 requesting the authorities to reinstate him into service. Thereafter, vide proceedings dated 4.9.2006, enquiry officer was appointed to enquire into the alleged theft of six electricity poles. Questioning the proceedings dt 4.9.2006 appointing an enquiry officer, the present writ petition is filed.

Learned counsel for petitioner submitted that the petitioner was kept under suspension vide orders dated 24.12.2001 and in terms of Government No.11016/Ser.C/2005 dated 11.9.2003, after lapse of two years, which is an outer limit for keeping an employee under suspension, he is entitled to reinstatement without prejudice to departmental proceedings. It is contended that in spite of imposition of punishment and acquittal of the petitioner by the competent criminal Court, the action of the respondents in not reinstating him into service is illegal. It is further contended that the action of the respondents in appointing an enquiry officer once again by proceedings dated 4.9.2006 is illegal.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent company and perused the material available on record.

The record disclose that after the acquittal from the Criminal Court vide judgment dated 14.6.2006 in Criminal case in C.C. No. 123 of 2002, the petitioner merely addressed a letter enclosing copy of the judgment to the Divisional Electrical Engineer, Macherla, who is not made as a party respondent in the present writ petition. The said letter is precise and it does not contain any reasons or grounds for revocation of suspension order. It is for the concerned authorities to take a decision with regard to revocation of the suspension order and the petitioner without submitting any representation to the concerned

respondent authorities has approached this Court. Hence, this Court deem it appropriate to dispose of the writ petition directing the petitioner to submit a detailed representation to the third respondent-Superintending Engineer raising all his contentions together with relevant documents in support of his claim for revocation. On filing such representation the third respondent is directed to consider the same and pass appropriate speaking orders in accordance with law.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 10.11.2006
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